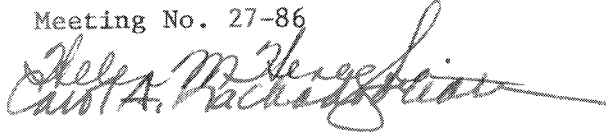


APPROVED: Meeting No. 27-86

ATTEST:



MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 16-86

April 28, 1986

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, April 28, 1986.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson; City Attorney Paul Glasgow; City Clerk Helen M. Heneghan

✓ Re: Briefing: I-270
Noise Barriers

Mr. Hal Kassoff, Administrator of the Maryland Department of Transportation at the State Highway Administration, briefed the Mayor and Council on the I-270 Noise Barrier placement and design recommendations, developed by his staff in consultation with the City of Rockville Planning Commission. The Mayor and Council thanked Mr. Kasoff for his time.

Re: City Manager's Report

Mr. Robinson reported the following:

1. The subcommittee report on District Court Parking has been accepted by the committee. The plan is for the State of Maryland to lease space in the old Mall parking deck. This will guarantee 300 spaces. County and State will work together

in a way that will encourage use. At the same time, they will monitor the situation on a regular basis and possibly look to the creation of satellite parking.

2. On Sunday, April 27, Super Run was held in Rockville. There were 114 runners in the 10K race which was won by Daryl General at a time of 32.05. The female winner was Karen Hill at a time of 37.47. There were also 15 participants in the One Mile Mayor's Walk.

3. Sunday, May 4 is Rockville Day at the Civic Center. The festivities will be from noon to 4:00 p.m. Good weather is predicted.

4. The budget presentation will be on Wednesday at 7:30 here in the Council Chamber. That will be the Kick Off to the FY 87 process.

Councilman Hartogensis noted that the City is going along with the State's leasing space in the garage but it is possible more drastic solutions will be in order. The City Manager agreed and said it is note worthy that everyone is trying to make things work and understands that this leasing may not be a final solution.

Mayor Van Grack said that on April 17, 18 and 19, the Mayor and Council, City Manager, City Attorney and City Clerk attended a strategic planning conference in Annapolis. It was an opportunity to work on long-range projects. He thanked all the participants for a successful and hard-working meeting. The Mayor added that on April 21 there had been a meeting of all the civic associations in the City. He thanked those who attended for sharing their thoughts.

Re: Appointments

Mayor Van Grack made the following appointments. They were confirmed by the Council:

Human Rights Commission: Michael Taff - Chairman - one year term
Lloyd Welter - reappointed - 4 year term
Judith Yudkin - reappointed - 4 year term

Cultural Arts Commission: John Tyner - appointed - 2 year term
5911 Halpine Drive

Planning Commission: Donald Boebel - reappointed - term expires 1/91

Glennon Harrison - appointed - term expires 1/91
314 Grandin Avenue

Patrick McGarey - appointed - term expires 1/89
601 Grandin Avenue

Re: Introduction of High
School Participants
in Student Government

Mayor Van Grack introduced Rusty Wallace who in turn introduced the eighteen students from high schools in the City. The students who participated in Student Government Days this year were (from Wootton) Joy Chen, Ron Dhindsa, Steven Krauss, Norah Shire, Eric Stroud, and Edward Sun; (from Rockville) John Amspaugh, Valerie Dellastatious, Stacey Joyce, Matthew Katz, Bill Reed, and Karla Smith; and (from Richard Montgomery) Eugene Bredow, Janet Fitzgerald, Edward J. Harris, Jr., Linda Holloway, Susan Olsen, and Chan Park.

They will be reporting back to the Mayor and Council on May 12.

Re: Proclamation: Older
Americans Month

Proclamation No. 2-86

There being no objection from the Council, Mayor Van Grack proceeded to issue Proclamation No. 2-86, proclaiming May as Older Americans Month in Rockville. Councilman Hartogensis read the proclamation at the request of the Mayor in which it was urged that all citizens observe this month by focusing on the achievements of older persons. Members of the Rockville Senior Center accepted the proclamation on behalf of the Older Americans in the City.

Re: Introduction of Eagle
Scouts

Greg Bayor, Director of Recreation and Parks, introduced the Eagle Scouts who worked on design improvements to the Civic Center Park. Present were Scouts John Carlson and Ed Andrews. Geoffrey Silverman could not be present. Councilman Coyle presented the young men with gifts of appreciation.

Re: Appearance of
Delegation from
Annapolis

Resolution No. 14-86

Senator Frank Shore and Delegates Forehand, Boergers and Gordon, briefed the Mayor and Council on the past legislative session and presented them with resolutions honoring them on their election to office. The Mayor and Council thanked the delegation for their efforts on the City's behalf in the last session. The Mayor and Council thanked Senator Larry Levitan and Delegate Jennie Forehand for the work they did to bring \$250,000 in funds to Rockville for the F. Scott Fitzgerald Theatre.

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 14-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, thanking Senator Larry Levitan and Delegate Jennie Forehand for their hard work and support, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Joseph Zetts, 121 Ritchie Parkway. Mr. Zetts congratulated the students who are involved with Student Government. He said it is an excellent program and it will certainly help them in the future. Mr. Zetts told the Council that letters have been sent to them from an artist who is exhibiting at the Art Gallery who has experienced some problems with the showing. He briefed the Mayor and Council on the background and creation of the gallery with the Rockville Art League under the direction of Bernard Loiselle. He distributed a letter to the Council which made suggestions for a better operation of the gallery. Councilman Hartogensis suggested that Mr. Zetts' letter be referred to the Cultural Arts Commission for comment.

2. Officer William Greene, Boys and Girls Club. Mr. Greene asked that the Council approve the Text Amendment that will allow carnivals in the City. He said the Montgomery County Police will give adequate support and the Rockville Police will

assist with traffic. Councilman Duncan asked if other sites had been considered besides the one at Richard Montgomery. Officer Greene said the Town Center lot is smaller and there is not enough parking.

3. Robert Jacques, 629 Aster Boulevard. Mr. Jacques told the Mayor and Council there will be increased pressure for parking in downtown Rockville once the Courthouse is opened. The proposed hotel site will be a perfect site for tier parking. It will be necessary to adopt some plan since leasing spaces, as the committee has suggested, will not solve the problem.

4. John Moser. Mr. Moser, a member of the Cultural Arts Commission, addressed the Mayor and Council concerning the fees for the use of the Civic Center. He asked that the matter be deferred until the Cultural Arts Commission has an opportunity to comment and make a recommendation. Councilman Duncan said there is a recommendation in the brief book this evening from the Cultural Arts Commission. Mr. Moser said the Cultural Arts Commission at the present time is discussing the philosophy of running the Civic Center and would like more opportunity to give an in depth recommendation.

5. Eileen Mader, a member of the Cultural Arts Commission. Ms. Mader referred to the letter that has been sent to the Mayor and Council from Mrs. Post concerning Art Gallery operations and problems. Councilman Duncan asked the Chairman of the Cultural Arts Commission if the item on fees for the Civic Center is deferred, will the Commission come in with a different recommendation then what is in the brief book. Mr. Lechter, a member of the Cultural Arts Commission, said it will just be more indepth reasons for their present decision. Councilman Duncan asked if the Cultural Arts Commission had made recommendations on the spending of \$250,000. Mr. Moser said the Commission is working to draft recommendations but they will not necessarily be the same as City staff's recommendations. Councilman Abrams explained to the Cultural Arts

Commission that the Mayor and Council make the final decision based on the the best information available from the staff along with the Commission's recommendation.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Consent Agenda

On motion of Councilman Abrams, duly seconded and unanimously, Item E, Award of Contract: Bid No. 77-86 for Mowing, was added to the Consent Calendar.

Re: Adoption of
Ordinance: To amend
Chapter 13 of the
Laws of Rockville,
entitled "Human
Rights Commission",
to increase the time
in which a complaint
can be filed from 45
days to 180 days

Ordinance No. 10-86

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 10-86, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending Chapter 13 of the Laws of Rockville, entitled "Human Rights Commission", to increase the time in which a complaint can be filed from 45 to 180 days, was adopted by the Mayor and Council.

Re: Introduction of
Ordinance: Supple-
mental Appropriation
- FY 86

On motion of Councilman Duncan, there was introduced upon the table, an ordinance supplementing the Appropriations ordinance for FY 86. Said ordinance to lay over at least one week before final action is taken.

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Re: Award of Contract:
 Bid No. 17-86 -
 Tractors and Mowing
 Units

As part of the Vehicular Replacement Program, Bid No. 17-86 was opened on March 26, 1986, at 3:00 p.m. for replacing two tractors and two gang mowers.

This bid was structured to allow separate bidding on two tractors and two five-gang mowing units with an option to provide the more efficient seven-gang mowing units in place of the five-gang units. There were 45 proposals sent out and 5 responses received.

TRACTORS

Vendor	Base Bid Per Unit	Total Bid Two Units
1. Gaithersburg Ford Tractor Co. 700 E. Diamond Avenue Gaithersburg, MD	\$12,365.20	\$24,730.40
2. Suburban Sales & Rental Center 11023 York Road Cockeysville, MD (John Deere Unit)	\$12,829.00	\$25,658.00

Both bidders took minor exceptions to the specifications - none of which would affect consideration of the bids.

FIVE GANG MOWER UNITS

Vendor	Base Bid Per Unit	Total Bid Two Units
1. G. L. Cornell Company 16031 Industrial Drive Gaithersburg, MD	\$10,300.00	\$20,600.00
2. Conaway, Inc. 9125A Bursa Road Laurel, MD	\$12,340.00	\$24,680.00
3. Lesco Inc. 20005 Lake Road Rocky River, Ohio	\$21,650.00	\$43,300.00

SEVEN GANG MOWERS (OPTION)

Vendor	Base Bid Per Unit	Total Bid Two Units
1. G. L. Cornell Company 16031 Industrial Drive Gaithersburg, Maryland	\$14,118.00	\$38,236.00
2. Conaway, Inc. 9125A Bursa Road Laurel, MD	\$16,050.00	\$32,100.00
3. Lesco, Inc. 20005 Lake Road Rocky River, Ohio	\$27,270.00	\$54,540.00

The mowing units are expected to last 10 years or more. Since the low bid is within the budget amount, and based on staff experience with both five-gang and seven-gang units, it is to the City's advantage to purchase the seven-gang units which will permit a more efficient mowing schedule.

Staff recommends awards be made as follows:

1. To Gaithersburg Ford Tractor Company in the amount of \$24,730.30 for two tractors in accordance with their low bid; and
2. To G. L. Cornell Company in the amount of \$38,236.00 for two seven-gang mowing units in accordance with their low bid.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 17-86 for two tractors and two mowing units was approved as recommended by staff.

Re: Award of Contract:
Bid No. 70-86 - Park
Improvements

Invitations to Bid were mailed to 75 construction contractors and the bid was advertised in the Washington Post. Sealed bids were received and opened at 3:00 p.m. on April 18, 1986, in the Mayor and Council Chambers for the construction of Project ORLOES and were as follows:

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COMPANY	ORCHARD RIDGE PARK	LONE OAK PARK	ELWOOD SMITH BIKEWAY	TOTAL BID AMOUNT
Kim Landscaping Mt. Pleasant, Pa	\$70,000	\$125,000	\$54,350	\$249,350
Peak, Inc. Beltsville, Md	\$89,000	\$157,000	\$56,000	\$302,000
Pagliaro Bros., Inc. Marlboro, Md	\$98,075	\$190,000	\$59,500	\$347,575
Pickens & Sons, Inc. Clarksville, Md	\$121,995	\$198,805	\$78,600	\$399,400

Project Descriptions: The project comprises the following construction items at each location:

A. Orchard Ridge Park: (Falls Road at Ritchie Parkway)

Grading and Seeding	Asphalt Pathways
Play Equipment & seating area	Basketball Court
Storm Water Management Area	Landscaping
Bike Racks & trash receptacles	

B. Lone Oak Park: (Old Lone Oak School Grounds)

Grading and Seeding	Asphalt Pathways
Seating Plaza and benches	Two play equipment structures
Ballfield Grading & drainage system	Basketball Court
Fitness equipment cluster	Water fountain, bike racks
Backstop fencing	& trash receptacles
Landscaping	

C. Elwood Smith Bikeway: (Fleet Street to East Lynfield Drive)

Grading and Seeding	Asphalt Bikeway
Curb Cuts	Fencing
Landscaping	

The estimated completed date for the project is October 30, 1986.

The combined projects are funded in the approved C.I.P. budget in the amount of \$255,000. The state of Maryland's Program Open Space Grant is funding 56% of this project. An amendment for P.O.S. funding will be filed with the state adjusting the funding amounts since the city is combining all three projects into one, however, this is considered a routine procedure. Each project is now funded individually with P.O.S.

City staff checked three Kim Landscaping Inc., references involving similar government construction contracts and their banking institution, and found the firm to be a satisfactory organization.

Staff recommends an award to Kim Landscapng, Inc., in the amount of \$249,350 as low bidder for the construction of Project ORLOES as per the specifications in Bid No. 70-86.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 70-86 for various park improvements, was approved as recommended by staff.

Re: Award of Contract:
Bid No. 77-86, Mowing

The subject Invitation for Bid was issued for the purchase of Lawn Maintenance Service for Parcels of City of Rockville rights-of-way. Bidders are asked to quote prices for each of five parcels, which comprise the rights-of-way. The following bids were received:

<u>Company</u>	<u>Parcel A</u>	<u>Parcel B</u>	<u>Parcel C</u>	<u>Parcel D</u>	<u>Parcel E</u>
Clean Shopping Center of Maryland, Inc. Silver Spring, Maryland	\$5,718.18	\$5,672.66	\$3,335.92	\$2,842.00	\$4,320.96
TC Tito Contractor Washington, D.C.	\$9,698.00	\$9,618.00	\$5,656.00	\$4,816.00	\$7,322.00

The price per acre quoted by Clean Shopping Center of Maryland, Inc., is \$20.63. It is estimated that it would cost between \$50.00 and \$60.00 per acre if City crews were used to mow these parcels.

The Superintendent of Parks has confirmed that Clean SHopping Center of Maryland has sufficient equipment to perform the work. In addition, the company has performed satisfactorily for the City as well as for the companies listed das their references.

It is recommended dthat award be made to Clean Shopping Center of Marylandd, Inc., for all five parcels in the total amount of \$21,889.72.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 77-86 for Lawn Maintenance was approved as recommended by staff.

Re: Approval of fees for
Senior Center

During the past several months, Rockville Senior Center users, members of the Senior Citizens Commission, Rockville Seniors, Inc., and Recreation and Parks Department staff have met to consider the possibility of allowing non-Rockville residents to participate in recreation programming at the Senior Center. The issue of membership fees for both residents and non-residents has also been considered. Currently non-resident participation at the Center is limited to social services programs, including lunch and dinner programs, health screening and education programs, all of which are state and/or county funded.

Recreation and Parks Department staff recommends that non-resident memberships to the Senior Center be started beginning July 1, 1986. Further, staff recommends membership fees beginning July 1, 1986, of \$5 per year for Rockvill residents and \$40 for non-residents. Most Recreation and Parks facilities and programs are made available to participants with a user fee; staff believes it is appropriate to begin recovering more of the operating costs of the Senior Center by charging this small membership fee. Projected revenues for FY 87, with the recommended membership fees are:

650 residents @ \$5	= \$3,250
65 non residents @ \$40	= <u>\$2,600</u>
Total	\$5,850

The Mayor and Council discussed this proposal. Councilman Hartogensis asked how the staff planned to handle people who could not pay since he is concerned with the idea of asking people to apply for a waiver if they could not afford the fee. He said it would be sad if participation stopped because of this. He could see the benefit of fees for non-residents however. Council-

man Coyle also was concerned with the fee proposal. It was his contention that too many people had worked to raise funds to help the operation of the center and he would not like to see them antagonized by charging them now for membership. Councilman Duncan said he would prefer to wait on this until the individual clubs were polled. Councilman Abrams suggested that it be tried for one year to just see how it works. Since Councilman Duncan was supporting the staff, Mayor Van Grack said he could support Councilmembers Abrams and Duncan. However, it should be made clear that the city is subsidizing the Center and this is not paying for it. He would approve it if, as the staff has suggested, it gives a sense of membership and belonging.

Councilman Abrams moved, duly seconded, to approve the proposal to charge membership fees at the Senior Center beginning July 1, 1986. It was approved with Councilmembers Coyle andd Hartogenesis voting nay.

Re: Approval of fees for
use of Civic Center

The Mayor and Council discussed this proposal at length. Robert Geisy, Director of the Civic Center, answered the Mayor and Council's questions both on the fees and on the operation of the art gallery. The raising of the fee for the six-month permit users at the Civic Center was a concern to the Council and lacking adequate information, the Mayor and Council agreed, on motion of Councilman Duncan to postpone consideration of this matter until May 12. The motion passed, only Councilman Abrams voting nay.

(At this time the Mayor and Council took a five minute break.)

Re: Approval of Master Plan
for Art in Public Places

Before the Council this evening is the master plan for art in public places.

Councilman Abrams asked that a member of the Mayor and Council be included as a voting member on the site and selection process for priorities number one and two sites. Councilman Abrams moved, duly seconded, and unanimously passed to amend

the plan to include a voting member of the Mayor and Council on the site/selection process.

On motion of Councilman Coyle, duly seconded, and unanimously passed the master plan for Art in Public Places was approved as amended.

Re: Decision and Instructions
to staff re: Text
Amendment Application, T-
75-86, to allow carnivals
as a temporary use in the
C-2, O-1 and TCM-2 zones.

The Mayor and Council discussed this proposed tax amendment. Councilman Hartogensis commented that a lot of fine organizations wish to hold carnivals and ideally every group should have an activity. However, there at the present time is no location suitable for a carnival because of the City's large population. He said he plans to approve the amendment. Councilman Coyle said although he has heard horror stories about carnivals in the past, the money collected will be for a good cause and the police do not seem to have a problem with it. The City Manager noted that in other cities groups have hired off-duty police officers and paid them in order to free up the ordinary patrol officers for regular duties. Chief Stout said the operation of a carnival would certainly strain the city's force not even considering the traffic impact. He would find it difficult to support it. The City Manager noted that the city does have the authority to add paid public safety officers in the Findings Section of the ordinance. This might help to handle the cost. Councilman Duncan said it would seem to him the town center site is more desirable. He would like to see it approved but limited to the TCM zone. The Mayor said he too would like an opportunity to let his children see a carnival as it used to be, but he hesitates to bring it into the city because of the downside. He plans to oppose it. Councilman Hartogensis noted that the

process calling for public hearing could allow for extremely long time-consuming presentations.

Councilman Abrams moved, duly seconded, that the staff be instructed to prepare the necessary legal documentation to grant Text Amendment T-75-86 allowing carnivals as a temporary use in the O-1 and TCM-2 zones only. The motion passed with Mayor Van Grack and Councilman Hartogensis voting nay.

Re: A Proposed Ordinance to amend Chapter 27 of the Laws of Rockville to provide for the licensing, location and operating regulations of carnivals

Ordinance No. 11-86

Councilman Abrams moved that the acreage be changed from 5 acres to 4 for the minimum size. The amendment passed.

On motion of Councilman Abrams, duly seconded and passed, Mayor Van Grack and Councilman Hartogensis voting nay, Ordinance No. 11-86, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, providing for the licensing, location and operating regulations of carnivals was adopted by the Mayor and Council, as amended.

Re: Decision instructions to staff re: Text Amendment Application, T-72-85, J.A. Lynott, Applicant to allow canopies to project up to the right-of-way

On motion of Councilman Duncan, duly seconded and unanimously passed, the staff was instructed to prepare the necessary legal documentation to grant Text Amendment Application T-72-85 in its modified form as proposed by the Planning Commission.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Nicole Saffell, re traffic problem

2. A. Premo, re County Noise Ordinance

Councilman Duncan asked that a letter be sent to Mr. Premo giving him an update on where the City stands and including information item 5 which addresses it.

3. R. Campbell, re thank you and senior day care

4. Marilyn Scott, Cultural Arts Commission, re Civic Center fees

5. Fortune Parc, re T-70-85

Councilman Duncan suggested this be addressed under new business.

6. Beitshe Lai, re swim center problems

7. Estelle Berberian, re senior day care
Ray Schnell, re senior day care

8. Mabel Harris, re picnic request

9. Jayne Greene, re PA4 - NPAG

10. Arthritis Foundation, thank you letter

Re: For Your Information

The Mayor and Council noted the following items of information:

1. "Housing in Rockville"

Councilman Duncan asked that a work session be scheduled on this after the budget process is complete.

2. Rockville Day Agenda and Parking Pass

3. Memo from Director of Planning re Sylvia's Restaurant

The Planning Director updated the Mayor and Council by giving them the status of each point referenced in the memo.

4. Memo from Planning Commission re Use Permit, S. Stonestreet/Reading Terrace

Councilman Duncan asked what is being done on this. The City Attorney said it is being handled through a map amendment.

5. Information on County noise Control Ordinance

Councilman Duncan said #1 is a good approach to the problem.

6. ACSC evaluation and 3rd Quarter activities

Councilman Hartogensis commented on the commendable record on recidivism that the ACSC has.

7. Letter from Stepping Stones
8. Memo re Twinbrook Company litigation

Councilman Coyle asked the status on this, and the City Manager brought the Mayor and Council up to date.

9. FY 87 Spot Improvements Program
 10. Memo from Sister City Task Force re City payment for conference attendee
- Councilman Hartogensis asked that this be addressed under new business.

Re: Approval of Minutes

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 12-86 were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 13-86 were approved as written.

Re: New Business

1. Councilman Duncan presented a draft letter to the Mayor and Council to be written to the County Executive and the County Council requesting a meeting so that the City and County may work together on major issues and not be pitted one against the other. Mayor and Council unanimously approved the letter and instructed that it be sent.

Councilman Abrams commented that he would urge the Rockville Council in the meantime to begin to initiate text amendments and master plans and then, after addressing the City's goals and the process, to define them.

2. Councilman Duncan suggested after the letter is sent that a meeting be arranged as quickly as possible.

3. On a motion of Councilman Abrams, Mayor Van Grack was asked to issue a proclamation proclaiming May 25th as Hands Across America Day. The motion passed unanimously.

4. Councilman Hartogensis suggested that the Mayor and Council pay a \$50 fee for David Patricia's participation in the Sister City conference taking

place in California this summer. Councilman Abrams agreed provided the fee was paid out of the Mayor and Council's target of opportunity funds. The motion passed unanimously.

Re: Executive Session

On motion of Councilman Hartogensis, duly seconded, and unanimously passed, the meeting was closed for executive session for consultation with legal counsel and to discuss property disposition.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting adjourned at 12:31 a.m. to convene again in general session on Wednesday April 30, 1986, at 7:30 p.m.